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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION No. 3194 / 2006

SINGLE BENCH

PETITIONER

:

Jitendra Kumar Shrivastava, S/o
Shri Ram Ratan Shrivastava, aged
about -40 yrs. Sub. Treasury
officer, Pendra Road, Distt.
Bilaspur. (C.G.)

P.R. No. 3251/06
Presented by Amit Shrivastava
dated 30/6/06

VERSUS

RESPONDENTS

1. The State of Chhattisgarh,
through its secretary Dept. of
finance and planning D.K.S.
Bhawan Raipur (C.G.)
2. The secretary Department of
Panchayat and Rural
Development D.K.S. Bhawan,
Raipur (C.G.)
3. Joint Secretary, Dept. of
finance and planning D.K.S.
Bhawan Raipur (C.G.)

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30/6/06

**WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA.**

HIGH COURT OF CHHATTISGARH AT BILASPUR**S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.****WRIT PETITION NO.3194 OF 2006****Petitioner**

:

Jitendra Kumar
Shrivastava**versus****Respondents**

:

The State of
Chhattisgarh and
others

Present : Mr. Amit Sharma, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the respondents.
Mr. P.Diwakar, Senior Advocate with Mr. K.S.Pawar,
counsel for the intervener.

ORDER(Passed on 6th of September, 2006)

The petitioner was employed as Sub-Treasury Officer, Pendra Road in the office of Director, Treasury, Accounts and Pension of Finance Department, Government of Chhattisgarh. By impugned order dated 20-6-2006 (Annexure P-1), the services of the petitioner have been sent on transfer to the Department of Panchayat and Rural Development, Government of Chhattisgarh as Assistant Accounts Officer, which is equal to the post of Sub-

Treasury Officer. The petitioner has impugned the transfer order dated 20-6-2006 (Annexure P-1) on the ground that services of the petitioner have been sent on deputation and his services cannot be sent to any department on deputation without his consent and as such the order is vitiated.

2. Learned counsel appearing for the respondents/State, per contra, submits that the petitioner is holding the post of Sub-Treasury Officer, which is equal to the post of Assistant Accounts Officer. The employees/officers of Finance Department are posted in all the departments as Accounts Officer in different names, namely, Treasury Officer, Sub-Treasury Officer, Assistant Accounts Officer, Accountants, etc. In the same manner, the petitioner has been transferred and posted as Assistant Accounts Officer in the office of the Project Officer, Rozgar Guarantee, Bilaspur. The case of the petitioner is not a case of deputation but that of a transfer. The petitioner is carrying the same pay-scale and the petitioner would not suffer on account of his transfer so far as grant of pay-scale, promotional avenues, seniority, etc. is concerned.

3. Mr. P.Diwakar, learned Senior Advocate with Mr. K.S.Pawar, learned counsel appearing for the intervener, Randhir Singh, who has been posted in place of the petitioner as Sub-

Treasury Officer, Pendra Road, Bilaspur, adopts the submissions of the counsel for the respondents and further submits that the officers/employees of Finance Department are posted everywhere in all the departments to have regular supervision, control, regulation on the financial dealings of the department.

4. After having heard learned counsel for the parties and having perused records, it is evident that the impugned order is a transfer order and not a deputation order. The pay-scale of the petitioner and other service avenues, like promotion, seniority, etc. have not be disturbed. The Supreme Court, in *Kendriya Vidyalaya Sangathan vs. Damodar Prasad Pandey and others*¹, has observed that transfer is an incident of service and it is for the employer to post the employee at a particular place in public interest and in administrative exigency.

5. For the reasons above-stated, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

1 (2004) 12 SCC 299